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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Amendment of Part 97 of the )  
Commission's Rules to Relax )  
Restrictions on the Scope of )  
Permissible Communications in )  
the Amateur Service. )

PR DOCKET No. 92-136

Members of the Commission:

This is in response to the request for comments relative to  
the lessening of restrictions on the scope of permissible  
amateur radio communications.

I. GENERAL COMMENTS

The Commission is to be commended for addressing the issues  
covered in this matter. Amateur radio is constantly evolving,  
and the issues raised in this NPRM certainly need to be  
scrutinized. There are some matters covered in this section  
of the rules that have not been addressed in terms of review  
or revision; three such items shall be identified at the end  
of this document.

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In general, it is believed by many in the amateur radio community that certain relaxations are in order. Specifically, the ability to provide communications support for parades and/or community charitable fundraising events fall within the basic tenants of amateur radio being a supportive and visible segment of the community. The same holds true with amateur operators being enabled to "talk in" other amateur operators to events targeted to radio amateurs, that is, these activities are consistent with the spirit of the hobby.

## II. SPECIFIC CONCERNS

The concerns addressed herein refer to the proposed revisions to rule 97.113.

1. Item 97.113 (c) states that "A control operator may accept compensation as an incident of a teaching position during periods of time when an amateur station is used by that teacher as a part of classroom instruction at an educational institution."

It would appear the Commission contemplates this provision to cover the specific instance of a classroom teacher in an elementary or high school teaching situation. Applied to other teaching situations, the rule becomes fuzzy or open to misinterpretation. As an example, how would this provision address the use of amateur radio, for instructional or demonstration purposes, in a commercial amateur radio school environment?

If the control operator was employed by (or owned) a commercial amateur radio school, that is a school dedicated to the preparation of individuals to take the amateur radio licensing tests, and charges a fee to those students, is he or she covered by this provision? Is that school recognized by the Commission as an educational institution? What if the compensated instructor at a commercial amateur radio class was not employed by a "school" or did not call his business a school? Is he (or she) in violation of the rule if an amateur radio is operated as a part of the instruction? The entire matter might be clarified with more specific language or by dropping the last four words of the provision, to read:

"A control operator may accept compensation as an incident of a teaching position during periods of time when an amateur

station is used by that teacher as a part of classroom instruction."

2. Item 97.113 (d) has no place being codified in rules governing the amateur radio service. It is understood that it existed in previous versions of the rules. In the spirit of "lessening restrictions" (to use the Commission's term) this provision serves no purpose other than to promote the ARRL as the sole source (or near sole source) of telegraphy practice and bulletins on the U.S. amateur bands by a compensated operator.

In essence, this provision creates a "super ham", a phrase used by the president of the ARRL, George S. Wilson III, at the recent ARRL convention in Los Angeles (August 22, 1992), in a session that immediately followed a presentation by Private Radio Bureau Chief Ralph Haller. In his comments, Mr. Wilson objected to the creation or authorization of certain amateur radio stations having privileges that others do not. He also stated the FCC held a similar position on the matter. Mr. Wilson was, at the time, addressing the issue of Special Temporary Authorization(s) (STA) issued by the Commission. This provision is worse than

an STA, it is a special permanent authorization.

This provision does all but specifically name the ARRL/W1AW operation. It creates unnecessary obstacles and hardships for clubs or other amateur organizations that might wish to engage in the transmission of code practice or the dissemination of bulletins by a compensated operator. The result is that there may be fewer opportunities for code practice reception by those interested in such activity. It should also be noted that W1AW transmissions typically emanate from Connecticut. Provided W1AW is operating at legal power limits, propagation conditions are not always conducive to reception in all parts of the United States, which include the western states, Alaska, Hawaii, Puerto Rico and several Pacific possessions. Therefore, the development of other sources of this type of transmission may prove to be beneficial to the amateur radio community.

In its current form, the rule requires those who wish to engage in the described activities to make a substantial financial investment in equipment and publicity, provisions that are not in the "spirit" or best interests of amateur radio, nor are they consistent with equal opportunities afforded to the many through a government regulated activity

in the United States.

Finally, the provision specifically creates an exception for "the control operator of a club station." Whereas the Commission no longer issues club station licenses and has not done so for many years, this language clearly favors a chosen few, who are already identified and emplaced. It therefore has no place surviving a revisitation of this section of the rules.

A "less restrictive" version of this provision might read:

"(d) The control operator of a station may accept compensation for the periods of time when the station is transmitting telegraphy practice or information bulletins specific to the amateur radio service, provided that the control operator does not accept any direct or indirect compensation for any other service as a control operator."

Let us do as Mr. Wilson suggests and do away with this "super ham" provision.

3. Item 97.113 (e) specifically mentions communications between a "space shuttle" and its associated earth stations. Why do we need to be so restrictive here? A "space shuttle" is a specific type of space craft. The term "space craft" or "manned space craft" or "manned space flight missions" might be more accurate (and less restrictive), given that space station construction is being contemplated and long-term lunar occupation plans may one day include amateur radio operations.

### III. OMISSIONS

1. An instance of an operator communicating on behalf of an employer or operating while being compensated may have been overlooked. Specifically, several governmental jurisdictions have installed amateur radio communications facilities with the thought of using those installations in situations related to emergencies or large-scale disasters. The same holds true for hospitals, some military and some critically located telecommunications centers. Most often, these installations are in governmental, hospital, military or privately owned buildings, with restricted access. Nearly as often, government or hospital or utility personnel are the

holders of amateur radio licenses. It may be appropriate for the Commission to allow these compensated individuals to operate the amateur equipment during times of emergencies and at other times (perhaps limited to one hour per week) for the purposes of testing the equipment and participating in practice drills, similar to the provisions covering RACES stations, as referenced in section 97.407. The difference in the sections seems to lie in 97.407 covering RACES station operation, whereas this section seems to contemplate permissible compensated control operator functions and conduct.

2. In revisiting this section of the rules, it is possible the Commission may have overlooked an opportunity to clarify a matter which came to light in early 1991, specifically the "900 number" incident whereby a message facilitating a commercial interest was forwarded through a packet radio network of stations, with the result of several packet forwarding operators being cited by the Commission.

An addition to this section might include a provision that states a rule to the effect that the originator of a message is the individual who is solely accountable for the content of the message. Such a provision would go some



distance toward recognizing the newer modes of transmission, specifically repeaters (both voice and digital) that all but render a control operator (of a repeater or other type of relay station) helpless to stop such communications, or that he/she go to burdensome extraordinary lengths to do so. Interestingly, even though it calls for an additional provision, the proposed revision would be "less restrictive" than the current regulation.

3. Another omission would be a provision that the unintentional or incidental transmission of music (such as that of "wake up" music transmitted to the crew of a space craft) shall not be deemed as a violation of the rules as contemplated by the Commission. It is however the opinion of the author that general provisions against the transmission of music on the amateur bands remain in place, with perhaps one exception, that is, in amateur television transmissions conducted on frequencies above 420 MHZ. Quite often, video material is best accompanied by music as an enhancement to the visual communication. The nature of ATV communication is such that, while still "point to point," some ATV transmissions are very polished and well prepared. The ability to enhance this mode with music would probably not be

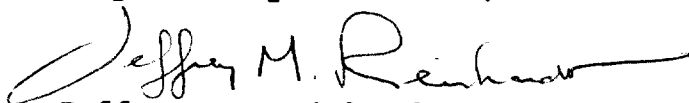
harmful to the amateur service. It should be noted that the 6 MHZ bandwidth occupied by ATV signals are similar to the bandwidth used in broadcast television. Therefore, music transmission should pose no technical (or potential interference) problems.

#### IV. ABOUT THE AUTHOR

Jeffrey M. Reinhardt is licensed as an Extra Class Amateur Radio Operator, KM6II. He is a founding member of one of California's premier citizen volunteer disaster response organizations. He is also a Volunteer Examiner and is active in several different modes of amateur radio communications. Mr. Reinhardt is a marketing executive, residing in Agoura Hills, California.

He shares a deep concern for the future of amateur radio as it has proven to have myriad practical, recreational and emergency applications. He is a registered RACES operator and a member of the ARRL.

Respectfully Submitted,

  
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